

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RIVER CAPITAL ADVISORS OF
NORTH CAROLINA, INC.

V.

FCS ADVISORS, INC. and BREVET
CAPITAL SPECIAL OPPORTUNITIES
MASTER FUND, L.P.

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CASE NO. 4:10-cv-471
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 7, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss Plaintiff's Complaint should be granted in part and denied in part.


The Court, having made a *de novo* review of the objections raised by Defendants, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss Plaintiff's Complaint (Dkt. #11) is **GRANTED** in part and Plaintiff's claims for fraudulent inducement, de facto partnership or

alter ego and claim for attorneys' fees are **DISMISSED**. The remainder of the motion is **DENIED** at this time.

It is SO ORDERED.

SIGNED this 2nd day of March, 2011.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE